

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAPHAEL CARRERA,)
Petitioner,)
)
v.) Civil Action No. 11-40028-JLT
)
J. GRONDOLSKY, WARDEN OF FMC)
DEVENS,)
Respondent.)

ORDER

TAURO, D.J.

On February 3, 2011, Petitioner Raphael Carrera , a prisoner in custody at FMC Devens in Ayer, Massachusetts, filed a habeas petition pursuant to 28 U.S.C. § 2241 challenging his conviction and sentence on drug charges in the United States District Court, Eastern District of New York.

On March 26, 2012, this Court adopted Magistrate Judge Boal's Report and Recommendation to grant Respondent's Motion to Dismiss, and this action was terminated on that date.

Thereafter, on April 23, 2012, Carrera filed a Notice of Appeal and a Motion for Leave to Appeal *in forma pauperis* along with his prison account statement (Docket No. 18). In that motion, Carrera avers he has no substantial assets or income. He occasionally receives funds from family, but expects that he will not be receiving further funds from family due to their current financial circumstances. Carrera's prison account statement indicates that his national six-months deposits were \$2,574.14; however, his national six-month daily balance was \$200.37. He presently has an account balance of \$21.54.

In view of Carrera's financial disclosures, this Court finds that he has demonstrated sufficiently that he lacks funds to pay the \$455.00 appellate filing and docketing fees.

Accordingly, his Motion for Leave to Proceed on Appeal *in forma pauperis* (Docket No. 18) is ALLOWED.

The Clerk shall transmit a copy of this Order to the Clerk's Office for the First Circuit Court of Appeals.

SO ORDERED.

/s/ Joseph L. Tauro
JOSEPH L. TAURO
UNITED STATES DISTRICT JUDGE

DATED: April 30, 2012